

DISTRICT OF MASSACHUSETTS

51

STEPHEN KEEFE

v.

LOCAL 805, INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, AFL-CIO, ET ALs

SUBPOENA IN A CIVIL CASE

CASE NUMBER:

04-11340 DPW

TO: BRENDAN LEE, c/o ATTY. MICHAEL T. LENNON,
15 COURT SQUARE, #960, BOSTON, MA

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

SCOTT A. LATHROP, ESQ.
122 OLD AYER ROAD, GROTON, MASS.JANUARY 16, 2006
2 PM

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE ATTACHED NOTICE OF TAKING DEPOSITION

PLACE

DATE AND TIME

SCOTT A. LATHROP, ESQ.
122 OLD AYER ROAD, GROTON, MAJANUARY 16, 2006
2 PM

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

DECEMBER 13. 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

SCOTT A. LATHROP, ESQ., 122 OLD AYER RD., GROTON, MA #978-448-8234

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11340 DPW

STEPHEN KEEFE,
Plaintiff

v.

LOCAL 805, INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, AFL-CIO,
LOCAL 800, INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, AFL-CIO,
and LOCAL 799, INTERNATIONAL
LONGSHOREMEN'S ASSOCIATION, AFL-CIO,
Defendants

NOTICE OF TAKING DEPOSITION

Please take notice that at 2:00 p.m. on Monday, January 16, 2006, 2005, at the office of Scott A. Lathrop, 122 Old Ayer Road, Groton, Massachusetts, the attorney for the plaintiff in this action will take the deposition upon oral examination of Brendan Lee pursuant to Rule 30 before a Notary Public in and for the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. This deposition will continue from day to day until completed.

You are invited to attend and cross-examine.

Please take further notice that deponent is required to produce upon such examination the following books, records, papers, documents and/or objects:

1. Any and all documents showing any source of income, whether passive or active,

since January 1, 2000;

2. Any and all documents showing any rental income, whether passive or active,

since January 1, 2000;

3. Any and all documents showing any business income since January 1, 2000; and

4. Any and all tax returns, State and Federal, filed since January 1, 2000.

Stephen Keefe
By his attorney

Scott A. Lathrop

Scott A. Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450
(978) 448-8234
BBO No. 287820

Dated: December 9, 2005

Certificate of Service

I, Scott A. Lathrop, hereby certify that I have served the foregoing Notice on the defendants by mailing this day a copy to the last known address of their Attorneys of Record.

Scott A. Lathrop

Scott A. Lathrop

Dated: December 9, 2005

RECEIVED BY SERVER	DATE December 13, 2005	PLACE Boston, Massachusetts
SERVED	DATE December 13, 2005	PLACE 15 COURT SQUARE, #960, BOSTON , Massachusetts
SERVED ON (NAME) BRENDAN LEE		FEES TENDERED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ 57.00 <input type="checkbox"/> Advanced By Attorney
SERVED BY BURTON M. MALKOFSKY		TITLE Process Server and a Disinterested Person

STATEMENT OF SERVICE FEES

	SERVICE FEE \$ <u>25.00</u>	TOTAL 2 Trips \$ <u>82.00</u>
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DECLARATION OF SERVER (4)

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on December 13, 2005
Date

Signature of Server

One Devonshire Place, Boston, Massachusetts

Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE 2 ATTEMPTS BEFORE MAKING PROPER SERVICE.

⁽³⁾ As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

(4) "fees and mileage need not be tendered to the deponent upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; 28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)"

Suvalle, Jodrey & Associates
Massachusetts Constables since 1925

**One Devonshire Place
Boston, MA 02109**

Telephone # (617) 720-5733